

REAL ESTATE COMMISSION MEETING

Heber M. Wells Building

Room 210

9:00 a.m.

March 16, 2016

MINUTES

DIVISION STAFF PRESENT:

Jonathan Stewart, Division Director
Mark Fagergren, Education and Licensing Director
Jeffery Nielsen, Chief Investigator
Justin Barney, Hearing Officer
Elizabeth Harris, Assistant Attorney General
Amber Nielsen, Board Secretary
Jennica Gruver, Real Estate Education Coordinator
Van Kagie, Investigator
Mark Schaerrer, Investigator
Kadee Wright, Investigator
Jill Kelsch, Division Staff
Sarah Nicholson, Division Staff
Jodie Stewart, Division Staff

COMMISSION MEMBERS PRESENT:

Russell K. Booth, Chair
Lerron Little, Vice Chair
William O. Perry, IV, Commissioner
Calvin R. Musselman, Commissioner

GUESTS:

Tammy Lund	Dan Naylor
Shane Norris	Kevin Swenson
Micah Truax	Shelly Truax
R. Christopher Parker	L. Monte Sleight
Patrick Adams	

The March 16, 2016 meeting of the Utah Real Estate Commission began at 9:00 a.m. with Chair Booth conducting.

PLANNING AND ADMINISTRATIVE MATTERS

Approval of Minutes – A motion was made and seconded to approve the minutes as written from the February 17, 2016 meeting of the Commission. Vote: Chair Booth, yes; Vice Chair Little, yes; Commissioner Perry, yes; Commissioner

Musselman, yes. The motion was approved.

Chair Booth opened the floor to public comment. There was no public comment today.

DIVISION REPORTS

DIRECTOR'S REPORT – Jonathan Stewart

Director Stewart reported HB 402 the Division Clean Up Bill passed. Director Stewart thanked Representative Froer and Senator Bramble who were the sponsors. He also thanked Chris Kyler and Mike Ostermiller for their help getting the Bill prioritized.

Director Stewart reported HB 321 the TIC Bill the Division has been working on with Representative Greene passed also. This goes along with the TIC rule amendment which will be presented later in this meeting. Director Stewart reported the two unnumbered bills previously mentioned which were sponsored by Representatives Ray and McCay did not get presented. The effective date of these bills will be May 10, 2016. Chair Booth thanked Director Stewart for his good work during the legislative session.

ENFORCEMENT REPORT – Jeffery Nielsen

Mr. Nielsen reported in the month of February the Division received 24 complaints; opened 3 cases; closed 21 cases; leaving 284 open cases. There are 61 cases assigned to the AG's office.

Stipulation for Review

Cheryl Ong

Scott W. Royall

Mr. Nielsen reported there is a Real Estate Investigator position with the Division which is currently in the application process at this time.

EDUCATION AND LICENSING REPORT – Mark Fagergren

Mr. Fagergren reported in the past eleven months there has been an average increase of 73 individuals per month; this month the increase was more than double that increase.

Mr. Fagergren announced Pearson Vue will be coming to perform an exam review. In advance of the meeting with Pearson Vue there will be a meeting with an eight person committee to pre-evaluate the questions. The committee members are Jared Payne, Shane Norris, Ron Bentley, Linda Leavitt, and four Division staff members.

Mr. Fagergren reported on the progress of Caravan. Mr. Fagergren discussed the difficulties of the reservation system and the trouble with "no show" individuals. He announced there will be nine caravan dates throughout the state. The dates and locations are: Vernal, April 19 at 9:00 am; Park City, April 21 at 9:00 am; Logan, April 26 at 1:00 pm; Layton, May 3 at 9:00 am; Provo, May 5 at 9:00 am; Moab, May 10 at 9:00 am; Richfield, May 11 at 9:00 am; Cedar City, May 12 at 9:00 am; and St George, May 13 at 9:00 am.

Commissioner Musselman brought up the issue of Blind Ads and the Half-Size Font requirement. Director Stewart said there is a balance of trying to protect the public and also making language which is clear for licensees. There was a discussion on the possible language changes and possible education to help licensees understand the requirement. Some other states use language that says "clear and concise" or "legible while driving 40 miles per hour." The issue of advertising on social media was also discussed briefly. Chair Booth asked that this issue be added to the agenda for discussion next month.

There are no education stipulations for review.

HEARING OFFICER REPORT/COMMISSION AND INDUSTRY ISSUES – Justin Barney

There are no licensing stipulations for review.

Mr. Barney reported the TIC Bill Director Stewart discussed earlier grants rule making authority. Mr. Barney presented the amendment to the TIC Rule which had previously been presented to the Commission for consideration. The main issues and changes deal with ensuring proper disclosure. Chair Booth is concerned this may need some more context and information in addition to the language in the rule so licensees can understand the requirements. Director Stewart mentioned he will be discussing the statute and administrative rule in Caravan and there will be a subsequent newsletter article. A motion was made to submit the rule change for public comment. Vote: Chair Booth, yes; Vice Chair Little, yes; Commissioner Perry, yes; Commissioner Musselman, yes. The motion was approved.

A brief recess was held from 9:53 a.m. to 10:05 a.m.

INFORMAL HEARINGS:

10:05 Ronald Christopher Parker - Application for Licensure
 L. Monte Sleight, Counsel for Applicant
 Patrick Adams, Witness for Applicant

A motion was made to close the meeting for the sole purpose of discussing the character, professional competence or physical or mental health of an individual.

Vote: Chair Booth, yes; Vice Chair Little, yes; Commissioner Perry, yes; Commissioner Musselman, yes. The motion was approved.

CLOSED TO PUBLIC

An Executive Session was held from 11:33 a.m. to 12:08 p.m.

OPEN TO PUBLIC

Results of Executive Session

Results of Stipulations

Cheryl Ong – Approved with Division Concurrence

Scott W. Royall – Approved with Division Concurrence

Mr. Parker will be notified by mail as to the outcome of his hearing.

A motion was made and seconded to adjourn the meeting. Vote: Vice Chair Little, yes; Commissioner Chapman, yes; Commissioner Perry, yes; Commissioner Musselman, yes. The motion was approved. The meeting adjourned at 12:09 p.m.